Daniel P. Struck, Pro Hac Vice
Dana M. Keene, CA Bar #324993
Shannon L. Knorr, CA Bar #300399
STRUCK LOVE ACEDO, PLC
3100 West Ray Road, Suite 300
Chandler, Arizona 85226
Tel.: (480) 420-1600
Fax: (480) 420-1695
dstruck@strucklove.com
dkeene@strucklove.com
sknorr@strucklove.com

Nicholas H. Rasmussen, Bar #285736
Nancy Flores-Castaneda, Bar #357148
McCORMICK, BARSTOW, SHEPPARD, WAYTE & SMITH, LLP
7647 North Fresno Street
Fresno, CA 93720
Tel: (559) 433-1300
Fax: (559) 433-2300
nrasmussen@mccormickbarstow.com
nancy.flores-castaneda@mccormickbarstow.com

Attorneys for Respondent-Defendant CoreCivic, Inc.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DIGNITY NOT DETENTION COALITION AND JOHN DOE,

Petitioners and Plaintiffs,

v.

CITY OF CALIFORNIA CITY; CORECIVIC, INC.,

Respondents and Defendants.

CORECIVIC, INC.,

Real Party in Interest.

Case No. 1:25-cv-01292-KES-CDB

RESPONDENT CORECIVIC'S RESPONSE TO PETITIONERS' EX PARTE APPLICATION TO PROCEED UNDER PSEUDONYM

Date: November 3, 2025
Time: 1:00 PM
Judge: Hon. Kirk E. Sherriff
Crtrm: 6

U.S. District Judge: Hon. Kirk E. Sherriff
U.S. Magistrate Judge: Hon. Christopher D. Baker

Trial Date: None

CoreCivic responds in opposition to Petitioners' Ex Parte Application to Proceed Under a Pseudonym, which seeks an Order allowing Petitioner John Doe ("Doe") to proceed anonymously in this case. The Application is improper and should be denied for the following reasons.

I. DOE FAILS TO MEET THE STANDARD TO PROCEED ANONYMOUSLY.

"As a general rule, 'the identity of the parties in any action … should not be concealed ….'" *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir. 2008) (citation omitted). Thus, "[t]he normal presumption in litigation is that parties must use their real names." *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010) (quoting *United States v. Doe*, 488 F.3d 1154, 1155 n.1 (9th Cir.2007)). Because the "use of fictitious names runs afoul of the public's common law right of access to judicial proceedings," a party may proceed anonymously in judicial proceedings only in the unusual case where "the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity." *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68 (9th Cir. 2000). To remain anonymous, a party must affirmatively show that "pseudonymity is 'necessary to protect a person from injury or harassment.'" *Stoterau*, 524 F.3d at 1012 (citation omitted).

Where, as here, a party seeks to proceed under a pseudonym to protect against retaliation, the Court "should determine the need for anonymity by evaluating ... (1) the severity of the threatened harm, (2) the reasonableness of the anonymous party's fears, and (3) the anonymous party's vulnerability to such retaliation." *Advanced Textile*, 214 F.3d at 1068 (internal citations omitted). "The [C]ourt must also determine the precise prejudice at each stage of the proceedings to the opposing party, and whether proceedings may be structured so as to mitigate that prejudice." *Id.* Finally, the court must decide whether the public's interest in the case would be best served by requiring that the litigants reveal their identities." *Id.* Only in an "exceptional case" can a party meet "the high bar for proceeding under a pseudonym." *Doe v. Ayers*, 789 F.3d 944, 945 (9th Cir. 2015); *accord Doe v. Texaco, Inc.*, 2006 WL 2850035, at *3 (N.D. Cal. Oct. 5, 2006) ("The use of pseudonyms is reserved for the rare cases because of two reasons. One, the use of fictitious names runs afoul of FRCP 10(a); FRCP 10(a) mandates that all names of the parties be included in a complaint. Two, the public and the parties have the common law right to know the identity of the parties in a judicial proceeding.").

Petitioner's request for Doe to remain anonymous should be denied because it fails under all five *Advanced Textile* factors.

A. Petitioners Have Failed to Establish Doe's Need to Proceed Anonymously.

"The first [three] *Advanced Textile* factors evaluate the 'severity of the threatened harm,' the 'reasonableness of the [p]laintiffs' fears' and the 'anonymous party's vulnerability to retaliation.'" *Guifu Li v. A Perfect Day Franchise, Inc.*, 270 F.R.D. 509, 514 (N.D. Cal. 2010) (citing *Advanced Textile,* 214 F.3d at 1068). "These must be weighed against the prejudice to the defendant if anonymity is granted." *Id.*

1. Petitioners Have Not Demonstrated that Doe Faces a Sufficiently Severe Threat of Retaliatory Harm.

In *Advanced Textile*, the court found that the plaintiffs proved a sufficiently severe threat of retaliatory harm because:

> As guest workers in Saipan, plaintiffs may be deported if they lose their jobs. Moreover, if plaintiffs are fired, blacklisted, or deported, they will be burdened with debts arising from their contracts with the recruiting agencies. Plaintiffs fear accruing debts because they know Chinese citizens who have been threatened with arrest and incarceration because they could not pay their debts to recruiters.

Id. at 1071. The court found that the plaintiffs thus faced "greater threat[s] of retaliation than the typical plaintiff." 214 F.3d at 1070.

Here, Petitioners have failed to present any evidence that Doe faces a sufficiently severe threat of retaliatory harm that is *greater* than the alleged harms other detainees face at the facility. Indeed, Doe's alleged threat of retaliatory harm is based on the exact same alleged mistreatment of other detainees that he claims to have observed at the facility. *See*, *e.g.*, *Solis v. Washington*, 2010 WL 1708831, at *4 (W.D. Wash. Apr. 27, 2010) (finding "'extraordinary protection is unnecessary because "Plaintiff fails to show how the DSHS employees involved in this action may be subject to 'greater threats of retaliation than the typical FLSA plaintiff'"); *see also Doe*, 789 F.3d at 946 (the court "was careful … to distinguish such an inadequate, generalized showing of susceptibility to abuse in prison from the individualized finding—based on personal history and expert evidence"). For instance, Doe alleges that he witnessed officers force another detainee who had a hernia to walk despite the pain and "threatened" to "tell the immigration court that [he] was not

complying." (Doe Decl., ¶ 23.)[1] He also alleges that he witnessed mistreatment of non-English speakers and officers disrespecting Islamic religious beliefs and that officers locked down his unit for 24 hours because the detainees refused to go to their cells for count. (*Id.*, ¶¶ 24–25, 29). But these allegations do not show retaliatory conduct sufficient to justify proceeding anonymously, much less that *he* was retaliated against. *See Doe v. Amazon.com, Inc.*, 2011 WL 13073281, at *3 (W.D. Wash. Dec. 23, 2011) ("While the harms that Plaintiff fears—embarrassment, ridicule, and retaliation—may be serious, they do not rise to the level of severity required by the Ninth Circuit to permit a party [to] bring a case anonymously in federal court.").[2]

As shown in Warden Chestnut's Declaration, lockdown is necessary for count and may be required based on security considerations. (Dkt. 18-4, C. Chestnut Decl., ¶¶ 44–45.) He is aware that one of the high-security units was placed on lockdown status for investigatory purposes following a group demonstration during which a large number of many detainees refused to comply with staff directives to return to their cells. (*Id.*, ¶¶ 45–51.) He explained that disciplinary sanctions for misconduct are also assessed for safety and security reasons rather than as a means of retaliation, and that CoreCivic does not prohibit or punish detainees for declaring a hunger strike or retaliate against them if they do. (*Id.*, ¶ 53.) He further explained that he is unaware of any detainees being retaliated against for asking for their property or medications, nor would they move someone to restrictive housing for doing so, as alleged by Doe. (*Id.*, ¶ 54.) He is also not aware of any detainees being retaliated against for filing grievances, explaining that CoreCivic has a zero tolerance policy for retaliation by staff, and that he enforces that policy at the facility. (*Id.*)

In any event, Doe's allegations of retaliatory threats fail because they do not show that he faced a greater threat of harm than other detainees.

[1] For the purposes of this Response, CoreCivic refers to the redacted version of John Doe's Declaration that was emailed to undersigned counsel on October 17, 2025. If the Court orders Petitioners to reveal his identity, CoreCivic reserves the right to file a supplemental response addressing the allegations in his Declaration specific to medical care and alleged retaliation.

[2] Although Petitioner does not allege that he would be discouraged from bringing this lawsuit if denied permission to proceed pseudonymously, that would also not favor granting him anonymity. *Publius v. Boyer-Vine*, 321 F.R.D. 358, 362 (E.D. Cal. 2017).

2. Doe's Speculative Fears of Retaliation Are Not Reasonable.

In *Advanced Textile*, the plaintiffs fears of retaliation were deemed reasonable based on the following facts:

> On numerous occasions, plaintiffs were interrogated about, warned against, and threatened for making complaints about their working conditions by defendants and recruiting agents. Threats ran the gamut from termination and blacklisting, to deportation, arrest, and imprisonment. Plaintiffs' employers have the power to terminate workers, and cause them to be deported. In addition, the government of China has the ability to arrest and imprison its citizens. Evidence of collaboration between defendants, the recruiting agencies, and China's government suggests that threats made by defendants and the recruiting agents may be carried out by China's government. The fact that the Chinese government has punished workers for complaining about their working conditions abroad also bolsters the reasonableness of plaintiffs' fears.

Id. at 1071. The court found, "[w]hat is relevant is that plaintiffs were [actually] threatened, and that a reasonable person would believe that the threat might actually be carried out." *Id.*

Unlike *Advanced Textile*, Petitioners fail to establish that Doe was threatened for filing this lawsuit, much less that his fear of retaliation is likely to manifest. Although Doe alleges that a unit manager threatened him with placement in SMU because he asked for his property and medications, he fails to provide any facts that show the statement was made as an actual threat with intent to harm. (Doe Decl., ¶ 26.) Rather, his allegation that the unit manager "threatened me if I talk to him like that," at most suggests the unit manager did not appreciate Petitioner's tone. Such a comment is not reasonably perceived as a threat. *See Brnovich v. Biden*, 2021 WL 7630109, at *2 (D. Ariz. Dec. 15, 2021) ("Though a veiled threat of violence, depending on the context, is grounds for reasonable fear, 'a court may disregard a comment, which is a threat on its face, because the context demonstrates frustration, a joke, or political commentary instead of a true intent to harm.'") (quoting *Kamehameha Sch.*, 596 F.3d at 1044).

Doe also alleges that he has seen officers "use unnecessary force against those who speak up," such as by handcuffing them behind their backs to move them or surrounding them with large numbers to intimidate them. (*Id.*, ¶ 27.) While such acts are not objectively threatening, Doe does not allege that he was threatened in this manner. Indeed, his allegation that he "used to work in a facility" and knows how to avoid the alleged threats belies any inference that he reasonably fears

this could happen to him. (*Id.)*

Doe further alleges that he fears ICE "will try to push for [him] to be deported faster" and that he "believe[s] that the government officials who [he] exposed for corruption will arrest [him], physically harm [him], and kill [him]." (*Id.*, ¶ 30.) But he provides no facts or evidence to substantiate this fear. Rather, it is based on sheer conjecture. *See*, *e.g.*, *La Asociacion de Trabajadores de Lake Forest v. City of Lake Forest*, 2008 WL 11411715, at *4 (C.D. Cal. Feb. 28, 2008) (holding allegations that are "factually unsupported, vague, conclusory, and speculative" fail to establish the applicants have "'an objectively reasonable fear of extraordinarily severe retaliation' if their true identities are disclosed to the defendants' counsel"); *Ho v. Ernst & Young, LLP*, 2008 WL 205595, at *2 (N.D. Cal. Jan. 24, 2008) ("[T]he court is presented with only Plaintiff's speculative fear of retaliation. This is an insufficient showing under *Advanced Textile.*").

While Doe also alleges that "[his] government has also tracked [his] location to where [he] was previously detained" (*id.*), he fails to explain why this matters. He provides no facts that show how his government tracked him down at the last facility, its reason(s) for doing so, or what harm to him, if any, resulted from it knowing where he was detained. Thus, Doe fails to provide a sufficient factual basis for this Court to conclude, without speculation, that he will suffer retaliatory harm if his government were to troll the federal and state court dockets and learn of his detention in California City through his filing of this lawsuit. The mere possibility of such harm is insufficient. *See Endangered v. Louisville/Jefferson Cnty. Metro Gov't Dep't of Inspections*, 2007 WL 509695, at *2 (W.D. Ky. Feb. 12, 2007) (distinguishing *Advanced Textile* where the court was "offered an unsubstantiated list of possible retaliatory acts. While the plaintiffs may possibly have a subjective fear of angering the defendants, the court must consider the reasonableness of such fears and the severity of any threatened harm. We note that there is *no* threatened harm here. The perceived possible reprisals run the gamut of illegal conduct from eviction to physical assault. The court does not find these fears to be reasonably grounded, and thus there is no basis upon which to grant leave to proceed under pseudonyms in this case.").

Lacking actual retaliatory threat of harm to Doe, Petitioners resort to "[m]ultiple reports" (two reports) to argue that he is "at risk of being subject to severe retaliatory physical and mental

harm while being detained at CoreCivic's Facility." (Dkt. 9 at 5.) Specifically, Petitioners cite to an undated ACLU Northern California document titled, "Resistance, Retaliation, Repression: Two Years in California Immigration Detention," by an unknown author based on "485 grievances across six immigration detention facilities" that it gathered between sometime in 2023 and July 2024. (*Id*., citing Dkt. 11 at 290–93.) It vaguely alleges in conclusory fashion:

> Retaliation: The most common outcome of filing a grievance isn't change. It's retaliation. The grievances we've received include 56 complaints of bullying and harassment by detention facility staff, 13 complaints related to sexual assault, 15 complaints related to sleep deprivation, and 59 complaints related to other forms of retaliation, such as punitive and extended use of solitary confinement.

(Dkt. 11 at 292.) Although Petitioners also cite this report for alleged sexually aggressive pat down searches of detainees who engaged in hunger strikes, that allegation was based on incidents that occurred at the Mesa Verde Detention Facility and Golden State Annex—neither of which is owned or operated by CoreCivic. (*Id.* at 293.) Petitioners also cite an undated 2021 ACLU and Physicians for Human Rights report titled, "Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention," by an unknown author based on ICE records and "interviews with formerly detained hunger strikers," alleging that ICE officers retaliated against them by "denying access to basic privileges, restricting water access, and threatening prosecution." (Dkt. 9 at 6, citing Dkt. 11 at 297.) Once again, the alleged incidents did not involve detainees at this facility.

In sum, these reports are irrelevant because they involved unrelated incidents that occurred at other facilities and/or are factually and temporally remote. Neither of these reports establishes that Petitioner was threatened, nor does he claim that he was threatened for engaging in a hunger strike. The reports are also inadmissible because they are unauthenticated (the authors are unknown) and replete with multiple layers of hearsay. *See City of Lake Forest*, 2008 WL 11411715, at *6 (refusing to consider "news articles" because they "are not authenticated and, to the extent Plaintiffs appear to offer these documents for the truth of the matters reported, the documents constitute inadmissible rank hearsay under Fed. R. Evid. 801").[3]

[3] Although Petitioners do not cite them as proof that his fear of retaliation is reasonable, several

3. Petitioners Have Not Shown that Doe Is Particularly Vulnerable.

Although "the two most important factors" are the "severity of the threatened harm and the reasonableness of the plaintiffs' fears," *Kamehameha Sch.*, 596 F.3d at 1043, Petitioners fail to show that Doe is, in fact, particularly vulnerable. Instead, they argue that Doe is vulnerable simply because he previously applied for asylum and deportation would return him to the country that he fled. (Dkt. 9 at 7.) But Doe's asylum proceedings are irrelevant because he is not seeking asylum in this case but rather seeking to enjoin CoreCivic's operation of a federal immigration detention facility based on allegations that the conditions of his confinement are "inhumane" and that the facility does not seem "ready to house human beings." (Doe Decl., ¶¶ 9, 15; *see also id.*, ¶¶ 10–14, 16–32.) *E.g.*, *Doe v. Texaco, Inc.*, No. C06-02820 WHA, 2006 WL 2850035, at *6 (N.D. Cal. Oct. 5, 2006) ("Accepting that plaintiffs live in a lawless region of the Amazon, it does not follow that the risks of living there are any greater by virtue of their involvement in this litigation."). Nor do his allegations that CoreCivic is unlawfully operating the facility without necessary permits and business licenses reveal any personal information to the *public* about confidential information in his asylum application.

Simply put, the mere fact that Doe happens to be seeking asylum in another case does not cloak him with pseudonymity here to accuse CoreCivic of violating his rights while depriving CoreCivic of its due process rights to investigate his allegations, respond to them, and mount a fair defense. Petitioners' reliance on cases where courts have granted pseudonymity in cases related to asylum proceedings is thus misplaced. *See Doe v. Andrews*, 2025 WL 1531684, at *1 (E.D. Cal. May 28, 2025) (habeas corpus petition); *Doe v. Bernacke*, 2023 WL 6311458, at *2 (D. Nev. Sept.

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other mentioned reports, articles, and press releases are irrelevant and inadmissible for the same reasons. (*See* Dkt. 11, Ex. 6 [2013 report by unknown author and published by advocacy group based on October 11, 2013 visit to California City Correction Center], Ex. 18 [news report about allegations by unknown "Attorneys for nonprofit" who "spoke with detainees"]; Ex. 26 [February 2024 Physicians for Human Rights article titled, "Endless Nightmare," authored by an unknown author about unidentified ICE facilities], Ex. 28 [press release dated October 19, 2023, by Civil Rights Memorial Center regarding settlement of labor claims involving facility in Georgia], Ex. 25 [ACLU's written statement dated April 27, 2017, by an unknown author and submitted by a staff attorney to the "United Nations Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self Determination" for a panel discussion on "Private Military and Security Companies"], Ex. 31 [news article dated October 22, 2022, regarding a Brazilian detainee suicide at a New Mexico facility].)

27, 2023) (same); *Al Otro Lado, Inc. v. Nielsen*, 2017 WL 6541446, at *1 (S.D. Cal. Dec. 20, 2017) (claims that Customs and Border Patrol policies and practices denied them access to asylum system despite multiple attempts to flee drug cartels, gang violence, and domestic violence).[4]

B. CoreCivic Will Be Prejudiced If Doe Is Allowed to Proceed in Secrecy.

In determining prejudice to CoreCivic, the Court "must also determine the precise prejudice at each stage of the proceedings to the opposing party, and whether proceedings may be structured so as to mitigate that prejudice." *Advanced Textile Corp.*, 214 F.3d at 1068. "Courts have found prejudice for purposes of this analysis where a plaintiff's anonymity interferes with the defendant's ability to address specific allegations against it or is logistically impracticable." *Publius*, 321 F.R.D. at 365.

In *Advanced Textile*, the court found that the plaintiffs were entitled to pseudonymity only for the initial filing of the FLSA collective action. *See* 214 F.3d at 1072–73.[5] It specifically recognized, however, "that at some later point in the proceedings it may be necessary to reveal plaintiffs' identities to defendants so that defendants may refute individualized accusations." *Id*. at 1072.

Unlike *Advanced Textile*, this case has moved beyond the initial filing of the complaint to that "later point in the proceedings" because Petitioners are now seeking injunctive relief from this Court in the form of a temporary restraining order and an order to show cause why a preliminary injunction should not issue to shut down CoreCivic's operation of a federal immigration detention facility on behalf of the United States government. At this exact stage of the proceedings, CoreCivic needs to know Doe's identity in order to respond to the allegations and defend against an injunction. *See Guifu Li v. A Perfect Day Franchise, Inc.*, 270 F.R.D. 509, 516 (N.D. Cal. 2010) ("The Court has issued an Order to Show Cause herein, to which Defendants must respond or be sanctioned.

[4] As discussed in the next section, the court also found in each of these cases that there was no prejudice to the defendants because they knew the plaintiff's identity.

[5] In a FLSA collective action, the public's interest in knowing the parties' identity is also limited by the policy in favor of allowing employee anonymity as informants. *See 4 Exotic Dancers v. Spearmint Rhino*, 2009 WL 250054, at *3 n.4 (C.D. Cal. Jan. 29, 2009) (noting "the public interest in knowing parties' identities may be lessened in FLSA cases given that FLSA cases brought by the government allow for employee anonymity") (citing *Advanced Textile*, 214 F.3d at 1072–73).

Given this, and the outstanding Order that the Defendants not retaliate against workers for bringing protected claims, the Court finds that going forward, the Defendants will need to know the identity of persons making statements on Plaintiffs' behalf, and the content of those statements. Moreover, Defendants must have a full opportunity to defend themselves against potential sanctions. Therefore, the Court finds that Defendants face prejudice if the Plaintiffs were permitted to proceed anonymously beyond this point.").

Indeed, Doe is an important witness to the upcoming proceedings because he is the only detainee witness, and his Declaration is replete with factual allegations that purportedly support the merits of his claims. (Doe Decl., ¶¶ 1–22, 24–25, 31–32.) In determining whether mandatory injunctive relief is appropriate, the Court must examine this evidence to determine whether he is likely to succeed on the merits. *See Baird v. Bonta*, 81 F.4th 1036, 1042 (9th Cir. 2023) (holding "likelihood of success, 'is a threshold inquiry and is the most important factor' in any motion for a preliminary injunction") (citation omitted). Without knowing Doe's identity, CoreCivic is unable to adequately investigate and respond to his allegations (including in his request for pseudonymity), much less challenge his credibility. *Advanced Textile* does not permit Doe to hide behind anonymity at this stage of the proceedings while Petitioners press forward with their request for an injunction on the merits of their claims. *See*, *e.g.*, *Quair v. Bega*, 232 F.R.D. 638, 641–42 (E.D. Cal. 2005) ("Unlike protecting the parties' identities during the pleading stage, Petitioners seek to conceal the identities of critical trial witnesses. Petitioners' requested order would also effectively prevent Respondents from conducting meaningful investigation of Petitioners' claims, a remedy that is far more extreme than the remedy granted in [*Advanced Textile*]. Indeed, the requested order would prevent Respondents from discussing the allegations with their client and would leave Respondents with nothing more than a general denial in the face of Petitioners' specific allegations, a result not contemplated by [*Advanced Textile*]. Given the critical nature of the witnesses' testimony, due process requires that they be subject to cross-examination."); *see also City of Lake Forest*, 2008 WL 11411715, at *5 ("[B]arring the defendants from acquiring the Identifying Information about Plaintiffs' Doe witnesses will, for all practical purposes, substantially impair the defendants' ability to discover critical information about Plaintiffs' witnesses that may be useful to

conduct an effective cross-examination, which has aptly been described as 'the greatest legal engine ever invented for the discovery of truth.' Indeed, without the benefit of the Identifying Information, Defendants do not even have the basic information they need to compel the appearances of the Doe witnesses …. Due process requires the defendants be given a full and fair opportunity to defend themselves against Plaintiffs' accusations, particularly where the Plaintiffs intend to use these witnesses to obtain a public judgment against the defendants that will forever haunt them if it is allowed to stand.") (internal citation omitted); *Solis*, 2010 WL 1708831, at *3 (holding FLSA informant's privilege in a FLSA action "must give way" where "the information is necessary for Defendant to be able to defend itself") (citing *Roviaro v. United States*, 353 U.S. 53, 60–61 (1957) ("A further limitation on the applicability of the privilege arises from the fundamental requirements of fairness. Where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way.")).

Petitioners have failed to present any authority where the court has granted pseudonymity to a plaintiff seeking mandatory injunctive relief on the merits of his claims. Indeed, the authorities Petitioners cite to argue that courts regularly grant pseudonymity in asylum related proceedings found no prejudice to the opposing party only because they were informed of the petitioners/plaintiffs' identities. *See Andrews*, 2025 WL 1531684, at *1 ("Respondent does not identify any prejudice should Petitioner be permitted to proceed anonymously at this stage of proceedings because they have been informed of Petitioner's identity."); *Bernacke*, 2023 WL 6311458, at *2 ("With respect to Respondents' interests, Petitioner asserts that Respondents will not be prejudiced because they will be informed of his identity."); *Nielsen*, 2017 WL 6541446, at *6 ("Defendants have not claimed they will suffer any prejudice by permitting the Individual Plaintiffs to proceed pseudonymously. Indeed, the Defendants previously filed a non-opposition to the request. … The Court finds no prejudice here because Defendants know the true identities of the Individual Plaintiffs.")

Although the court in *Advanced Textile* granted anonymity to protect the plaintiffs from their employers, that was only after finding the plaintiffs had proved actual, credible, and

reasonable threats of retaliatory harm. *See* 214 F.3d at 1070–72. It declined to address the prejudice to the employers based on the procedural posture of the case, but noted that they already knew most of the plaintiffs' names and that defense counsel were provided with affidavits that identified the names of all the plaintiffs. *See id*. at 1064 n.7 ("Much of this evidence is contained in declarations by garment workers that were filed under seal and only made available to defendants' counsel."); *id.* at 1069 n.11 (noting that most of the plaintiffs' names "are already known to defendants").

Petitioners also misplace reliance on *Lozano v. City of Hazleton*, 496 F. Supp. 2d 477 (M.D. Pa. 2007), to argue that CoreCivic's (and ICE's) lack of awareness of Doe's identity is a factor to consider. (Dkt. 9 at 8.) Not so. *Lozano* is both inapposite and nonbinding on this court. There, the Middle District of Pennsylvania noted that the "Third Circuit has not articulated a standard to weigh litigant's efforts to proceed anonymously," but has held "[i]n determining whether a party may proceed under a pseudonym, the public's right of access should prevail unless the party requesting pseudonymity demonstrates that her interests in privacy or security justify pseudonymity." 496 F. Supp.2d at 506. The court looked at various factors that other district courts in that circuit have considered, including:

> (1) the extent to which the identity of the litigant has been kept confidential; (2) the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases; (3) the magnitude of the public interest in maintaining the confidentiality of the litigant's identity; (4) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigant's identities [sic]; (5) the undesirability of an outcome adverse to the pseudonymous party and attributable to his refusal to pursue the case at the price of being publicly identified; and (6) whether the party seeking to sue pseudonymously has illegitimate ulterior motives."

The court thus found that the plaintiffs' attempts to preserve their anonymity was one factor that weighed in favor of granting them pseudonymity. *Id.* at 507.

Lozano is both legally and factually inapposite because the focus of the court's determination was on factors that determined whether the public's right of access to court information outweighed the plaintiffs' privacy or security interests in that case. *Id.* at 506–07. Noticeably absent was any consideration of the prejudice to the opposing party in the litigation, as required by *Advanced Textile*.

Nonetheless, in applying the above factors, the court found that the purely legal nature of that case and the absence of any ulterior motives weighed in favor of granting the plaintiffs pseudonymity from *public* disclosure (not disclosure to the defendants). *See Lozano*, 496 F. Supp. 2d at 507. Unlike *Lozano*, Petitioners' claims for mandatory injunctive relief cannot be resolved as purely legal questions. The opposite is true because determining whether a mandatory injunction should issue requires a fact-intensive inquiry, which analyzes whether Petitioners have proved that they are likely to succeed on the merits of their claims, that they are irreparably harmed, that the balance of equities weigh in their favor, and that the public interests favor an injunction. *Baird*, 81 F.4th at 1040. The fact that CoreCivic knows the identity of the named Co-Petitioner/Plaintiff Coalition is a non-sequitur because that information does not allow CoreCivic to investigate Doe's allegations and defend against his claims. Moreover, Petitioners' attempt to hide Doe behind a cloak of anonymity when affirmatively seeking mandatory injunctive relief based on Doe's unfounded allegations of inhumane conditions of confinement at the facility, while at the same time arguing that Doe's identity is not necessary to resolving the purely legal issues in this case, raises serious questions regarding the legitimacy of Petitioners' motives for requesting anonymity under *Lozano*.[6]

C. The Public Has No Interest in Maintaining Doe's Anonymity.

Lastly, Petitioners fail to show that the public has any interest in maintaining Doe's anonymity. To the contrary, the Ninth Circuit has explained that the public has an interest in open judicial proceedings, "an important dimension" of which includes identifying the parties to the proceedings. *Stoterau*, 524 F.3d at1013. "For this reason, the default presumption is that the plaintiffs will use their true names." *Kamehameha Sch.*, 596 F.3d at 1046.

In *Advanced Textile*, the court found that the public had an interest in that litigation because of the "informant's privilege" in a FLSA action. 214 F.3d at 1073. While it also found a public

[6] Additionally, Petitioners' refusal to disclose Doe's identity prevents CoreCivic from challenging standing. A review of the docket in the Eastern District of California reveals that a habeas petition has recently been filed by a John Doe. *See* Case No. 1:25-cv-01372-CDB. Because Petitioners refuse to reveal the identity of John Doe to Respondents or their counsel, CoreCivic is unable to determine whether the same individual is involved in both proceedings. If John Doe is the same individual and obtains habeas relief, he will no longer have standing in this action.

interest in deciding the merits of that case, that was only because the district court had dismissed the complaint for failure to name the plaintiffs. Unlike *Advanced Title*, Petitioners have chosen to take the offensive in this case by forcing CoreCivic to blindly respond to Doe's vague and conclusory allegations of inhumane conditions of confinement without giving it necessary information about his identity to allow it to investigate his allegations and defend against his claims. The public interests do not favor use of such litigation tactics to deprive CoreCivic of its due process rights to a fair hearing. *See Baird*, 81 F.4th at 1042 (holding "it is always in the public interest to prevent the violation of a party's constitutional right") (internal quotation and citation omitted). Additionally, the public has a strong interest in this case because Petitioners seek to enjoin the operation of an immigration detention facility. *See Baird*, 81 F.4th at 1040 ("When, like here, the nonmovant is the government, the last two *Winter* factors 'merge.'"). The public certainly has a right to know who is using the Court to challenge the federal and local governments' actions. I

II. PETITIONERS' REQUEST TO FILE HIS DECLARATION UNDER SEAL SHOULD BE DENIED.

For the reasons above and those stated in CoreCivic's Response to Petitioners' Request to Seal Documents, submitted to the Court on October 20, 2025 under L.R. 141(c), the request is improper and should be denied.

III. CONCLUSION.

For the reasons above, Petitioners' application for John Doe to proceed under a pseudonym while moving for mandatory injunctive relief should be denied.

DATED this 27th day of October 2025.

STRUCK LOVE ACEDO, PLC

By /s/ Daniel P. Struck
Daniel P. Struck
Dana M. Keene
Shannon L. Knorr

Nicholas H. Rasmussen
Nancy Flores-Castaneda
McCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP

Attorneys for Respondent CoreCivic, Inc.